PATENT #36

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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THIRD DECLARATION OF DAMION L. HANKEJH UNDER RULE 131(b)

Damion L. Hankejh declares:

1. I am over the age of 18, and competent to testify in this matter. I reside in NYC, New York, and I am a co-inventor of the above invention.

2. Prior to 1996, when my colleagues and I wanted to share or pass internet website links to other site(s) while we were engaged in a chat session with each other, what we had to do was literally write them out in the chat text, from which my colleagues that were logged on could copy the text link from their chat page on their own computer and paste it into the address bar of another browser application running simultaneously on their computer so as to cause that browser to navigate to that link address.

3. At least as early as the beginning of 1996, I realized while working in New York City, New York USA, and later when I moved to Redmond, Washington in early March 1996, that a chat function could be combined with a browser leading function, so that a chat participant, by entering a web address on a special address bar or the like inside the chat environment and

activating it, could lead all other chat participants' simultaneously running browsers to any location on the Web, or any other networked communication environment.

4. By early 1996, I had heard that Sun Microsystems had announced Java's licensing to a majority of important hardware and software companies, thus insuring a kind of corporate seal of acceptance, and I knew that Java's corporate and consumer market future were assured, because from there after both the corporate and consumer sides of a service could be based on Java's 'write once, run anywhere' promise. I knew then, as I recall now, as early as sometime early in March 1996 that Java code could be written to interact with both the chat environment and the browser environment to effect this browser leading function in the chat environment, and I started even then to write my own code to create some of my earliest test embodiments.

5. I now recall that I had made the acquaintance of J. Thomas Morelli, a public relations executive based in the Silicon Valley, and by early March 1996, I was writing my own code to create some of my earliest test embodiments of the combination of a chat function with a browser leading function, and showing them to Thomas and getting his feed back on these successful tests. In each test, I demonstrated to him a chat environment that I had set up, and in which a Web address entered in my coded browser leading function in the chat environment caused another chat linked browser to move to that Web address. I thus explained to Thomas how a chat function could be combined with a browser leading function, so that a chat participant, by entering a web address on a special address bar or the like inside the chat environment and activating it, could lead all other chat participants' simultaneously running browsers to any location on the Web, or any other networked communication environment. Thomas and I also brainstormed on possibilities and applications for my Java code that I was writing to interact with both the chat environment and the browser environment to effect the browser leading function in

the chat environment. Thomas assisted me with ongoing testing, at least through June 1996 when I started working with Hoa Ton-That.

6. We also discussed, at least as early as March 1996, how the new browser leading chat session could serve as both a collaboration and educational tool and in a broader sense as a customer service and support tool for the then burgeoning e-commerce market. I showed Thomas how a chat session could first be started, and virtually any number of people could log into that chat session via an http connection through the internet, and then a designated chat leader could lead the browsers of the other chat members to anywhere on the web, including URL's within a website hosted by the chat leader himself and containing all the educational or collaboration materials that he wanted to share with his colleagues.

7. I also discussed with Thomas, at least as early as March 1996, that this was also how a customer service rep, while leading a chat session with an online customer, could lead the customer to web pages that would either show the customer what she had been looking for, or show her other information that would help her in her online shopping. Part of what I explained at that time was that a user could click on a unique hyperlink button on a Web site put there for the purpose of connecting the user via the hyperlink with a real-time chat dialogue with the live sales or service person. The service person could then answer questions in the chat and in the same session lead the user to any desired location on the Web.

8. None of my early 1996 test embodiments survive to this date so far as I can recollect but, as I now more fully recall, in June 1996 I got in touch with my friend and subsequent co-inventor Hoa Ton-That and also explained to him my vision for a browser leading function within a chat function that could be enabled by Java coding, and how a chat function could be combined with a browser leading function, so that a chat participant, by entering a web

address on a special address bar or the like inside the chat environment and activating it, could lead all other chat participants' simultaneously running browsers to any location on the Web, or any other networked communication environment. I showed him some of my test examples, and between June 1996 and August 1996, we worked together, often virtually connected to each other over the Web, and created several further successful test embodiments, culminating later in the Fall of 1996 in an advanced functional Java-based browser leading function enabled in a chat session. We tested and verified it repeatedly, first with each other, and then tested it in confidence among some of my colleagues, Don Moschberger and Dr. Arthur Ammann, at the American Foundation for AIDS Research (amfAR) in New York City, NY, and with several of Hoa's colleagues at Lynk, LLC in Akron, OH, all before the end of 1996.

9. Sometime around the Fall of 1996, while I was working on developing a Web site for the amfAR organization (Don Moschberger was their CTO), I learned about their 200+ member professional advisory panel and the vast numbers of grantee researchers they funded. I thought further how our browser leading chat session could serve as both a collaboration and educational tool for these research activities. Again I pictured a chat session being started, and the unlimited numbers of people logging into that chat session, and then the designated chat leader leading the browsers of the other chat members to anywhere on the web, including URL's within a website hosted by the chat leader himself and containing all the educational or collaboration materials that he wanted to share with his colleagues.

10. Hoa and I collaborated within the USA on creating several prototypes of these advanced chat/browser applications from the Fall of 1996 to about August 1997, and discussed their workings with each other and demonstrated them in confidence with my colleagues at amfAR in NYC. We further discussed my early conceptions of how a user could click on a unique

hyperlink button on a Web site put there for the purpose of connecting the user via the hyperlink with a real-time chat dialogue with the live sales or service person, and how the service person could then answer questions in the chat and in the same session lead the user to any desired location on the Web.

11. Also between the Fall of 1996 and August 1997, we worked on expanding and refining the code base in these prototypes to better enable the process, and to build a platform that could accommodate mission critical applications. We worked many hours on issues of scalability, robustness for reduced dropouts and greater reliability, and redundancy.

12. During this time, Hoa and I made and tested each prototype, each one created from previous test results and from continually emerging requirements to meet criteria as I envisioned them, including the ones I have since disclosed in my patent application, the text and drawings of which are herewith included in this declaration by this reference as if fully set forth in this declaration.

13. By this time Hoa and I realized that a real time internet communications system like the Web would support a chat 'session' service, linked to a web site, to connect one or more support agents to at least one user. I pictured that each agent could log in to the session service, while the user was browsing the website. At some point the user could then click a hyperlink button on the website for assistance, and be thereby directed transparently to the session 'cloud' (a virtual queue for users) while the cloud would then notify the logged in agent that a user had made a request for assistance via the link. The cloud would also initiate a distribution routine whereby a java client application would be sent to the user's machine, so that when the agent responded to accept the call from the cloud, both the agent and the user would be placed into a session channel or chat specially formed by the java client on the user's machine and an

appropriate server operatively connected to the website so that the agent and the user could collaborate.

14. Hoa and I continued to work throughout late 1997 on perfecting some Java code to define and implement my conceptual notions of 'session' and 'cloud'. In particular we developed a thin java client that could be speedily and readily downloaded on demand to any user clicking such a CSR hyperlink, as well as the companion java server, and we developed the virtual queue, or cloud.

15. In January 1998 I was introduced to Martin Rood, and Hoa and I explained the whole vision of what we had come to call the isession and we tested chat / browser leader CS prototypes on various browser platforms, and demonstrated them to Martin. Martin, Hoa and I produced together and successfully tested with each other our first robust CS browser leading chat session in January 1998 in Seattle, Washington, fulfilling all of the vision and requirements set forth in paragraph 10 above. Also in January 1998 we explained the vision of the CS browser leading chat session as set forth in paragraph 10 above to Michael J. Lande and to Sidney Brown, and demonstrated the prototype discussed above to them in that same month in Seattle.

16. We continued ironing out bugs and making needed improvements through 4/98 when we engaged patent counsel. I continued testing and refinement of similar prototypes through at least June of 1998 when we filed our provisional patent application.

17. Between approximately 4/98 and 6/98, when we filed the provisional patent application, patent counsel and I worked on the application and on fullest implementation of best mode particulars for the application. I also continued testing of the invention and verification of our designs during that period, making changes and updates to patent application drafts continually during that period.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the accompanying application or any patent issued thereon.

DATED 11.25.03

DAMION L. HANKEJH